

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

RAH COLOR TECHNOLOGIES LLC,

Plaintiff,

vs.

**DECLARATION OF
ANDREW POST**

Civil Case No.: 1:17-CV-06813

XEROX CORPORATION,

Defendant.

ANDREW POST, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the foregoing is true and correct:

1. I am a Vice-President of Xerox Corporation within the Engineering Organization. I have more than 30 years of Product Design and Delivery Experience at Xerox. I have been responsible for all aspects of product delivery and strategic planning involving print servers and color management technology used with Xerox's printers and presses. Prior to the sale of the FreeFlow Print Server to EFI (as discussed below) I had engineering responsibility for the FreeFlow Print Server within Xerox.

2. Based upon my education, training and employment responsibilities, I am very familiar with color management and print server technology. I submit this declaration, based upon my personal knowledge and documents maintained by Xerox in the ordinary course of business, in support of Xerox's motion to change venue from the Northern District of Illinois to the Northern District of California.

3. I understand that RAH Color Technologies LLC ("RAHCT") has served an amended complaint alleging that certain software sold by Xerox for use in the printing industry

infringes eight RAHCT patents (the “Patents-in-Suit”). I have reviewed several of the Patents-in-Suit and I am generally familiar with them. The Patents-in-Suit are directed to color management used in printing documents, signs, packaging and the like.

4. “Color management” describes sophisticated tools employed to create, edit and maintain precise color profiles for producing a color print; these tools are much more complex than simply choosing, say, blue ink for a printed product. Color management tools are implemented through software applications and ensure that a user’s desired color can be printed consistently and uniformly, regardless of the printer (i.e. the hardware) used to make the actual print. Color management tools can be used in a variety of ways, e.g. to generate matching colors over many printers, to match colors from one printer to another, or to verify that the final print meets appropriate industry standards for color on printed material.

5. The Patents-in-Suit describe color management tools that must be used in conjunction with a print server. A print server is software installed on a computer (called the digital front end or “DFE”), which is typically physically separate from a printer. A print server instructs the printer hardware how to perform a particular print operation, such as when to print a job (i.e., its position in the queue), whether to bind or staple it, and what type of paper to use. Most importantly, the print server instructs the printer how the end product should look. It does so by converting user input data, for instance, a MS Word document or a Portable Document Format (.pdf) document, into a set of instructions that the printer can use to make the desired output, such as print page coverage, print size or color. Not all print servers have color management capabilities; in most cases, color management is implemented through a separate module that a customer may elect to purchase.

6. RAHCT identifies certain print servers sold by Xerox that allegedly infringe the Patents-in-Suit, including the EFI Fiery (also referred to in the amended complaint as the EX print server), the CX print server, the FreeFlow print server, FreeFlow Core (on premise), and the FreeFlow Core Cloud. Generally speaking, the EFI Fiery, CX print server, and the FreeFlow print server are similar products and offer similar print server functions described immediately above.

7. The FreeFlow Core “on premise” print server consists of software that is installed, configured, and run by the customer; the FreeFlow Core Cloud is hosted and managed remotely by Xerox through an internet-based cloud application. The FreeFlow Core print servers cannot perform color management unless the purchaser also buys an optional color management module or advanced software. For FreeFlow Core, that separate color management module is called “Advanced Prepress,” and for the FreeFlow Core Cloud, color management is offered in an “Advanced” version (“FreeFlow Core Cloud, Advanced”).

8. A company called Electronics for Imaging, Inc., known as EFI, has a very significant presence in the print industry into which Xerox sells products. In fact, 96.3% of print servers with color management capability sold by Xerox since March 2014 (when RAHCT alleges it first notified Xerox of certain of the Patents-in-Suit (Dkt. 21, ¶ 27)), were supplied to Xerox by EFI in the form of the EFI Fiery print server.

9. It is my understanding that EFI is located in Fremont, California. I am not aware of EFI’s development of the Fiery print server. And, I also am not personally aware of, nor have I seen records at Xerox to indicate that there are, any documents or witnesses relevant to the EFI Fiery print server located in Illinois.

10. The CX print server, which Xerox no longer sells, comprises less than 1% of the print servers with color management capability sold by Xerox since March 2014. The CX print

server was supplied to Xerox by the Creo unit of Eastman Kodak Company. Creo is located in Burnaby (near Vancouver) Canada, and Kodak is located in Rochester, New York. Xerox did not develop the CX print server and again, I am not aware of, nor have I seen materials at Xerox suggesting the presence of, documents or witnesses located in Illinois related to the CX print server.

11. The FreeFlow print server, the FreeFlow Core and FreeFlow Core Cloud print servers amount to only 3.7% of Xerox's sales of print servers with color management capability since receipt of notice of infringement.

12. Xerox developed the FreeFlow print server, the FreeFlow Core and FreeFlow Core Cloud print server in collaboration with HCL Technologies, Inc., in Webster, New York and El Segundo California, with further development completed in India. No developmental activities occurred in Illinois.

13. As of January 31, 2017, Xerox sold the FreeFlow print server product to EFI. EFI now supplies Xerox with both the FreeFlow print server and the Fiery print server.

14. Xerox continues to sell the FreeFlow Core and FreeFlow Core Cloud print servers. However, Xerox has sold only one unit of the FreeFlow Core with Advanced Prepress (i.e. with color management capability) since the time RAH first contacted Xerox about its patents in March 2014. Xerox has not sold a FreeFlow Core Cloud, Advanced print server.

15. I understand that RAHCT further accuses Xerox MatchAssure and Xerox IntegratedPlus as allegedly infringing products. These products are software applications that perform color matching or profiling across multiple printers to ensure the end products produced from each separate machine have uniform color. A printer cannot print in a color generated by

MatchAssure or IntegratedPlus unless the color data is routed to a print server, which then communicates the color modification instructions to the printer.

16. Xerox developed MatchAssure in Webster, New York. No part of the development of this product occurred in Illinois.

17. Xerox also developed IntegratedPlus as a web-based product by incorporating color management products supplied to Xerox by three different companies, CGS Publishing Technologies International, LLC (a German company with its U.S. base of operations located in Minneapolis, Minnesota); Color Management Intelligence (located in the Netherlands); and X-Rite, Inc. (located in Grand Rapids, Michigan). No part of IntegratedPlus was developed in Illinois.

18. Last, I understand that RAHCT's amended complaint also alleges that "Automated Color Quality Suite" and "Xerox Confident Color Technology" are infringing products. These are not products; they are marketing terms for color generation technology that can include a combination of color management software, a print server and a press. As I indicated in paragraph 5 above, the Patents-in-Suit would require that this technology be used in conjunction with a print server.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 16, 2018

s/ Andrew Post
Andrew Post